

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAUREN WRIGHT, ¹	§	
	§	No. 218, 2011
Petitioner Below,	§	
Appellant,	§	Court Below—Family Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	File Nos. 0605007413
	§	1006014183
Respondent Below,	§	CPI No. 11-07534
Appellee.	§	

Submitted: June 22, 2011

Decided: September 13, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

O R D E R

This 13th day of September 2011, upon consideration of the appellant's opening brief and the motion to affirm filed by the appellee, it appears to the Court that:

(1) In February 2011, the appellant, Lauren Wright, petitioned the Family Court for the discretionary expungement of two adult criminal charges dismissed by the State, *i.e.*, a 2006 charge for Offensive Touching and a 2010 charge for Criminal Contempt. By order dated April 4, 2011, the

¹ By Order dated May 2, 2011, the Court *sua sponte* assigned pseudonyms to the appellant. Del. Supr. Ct. R. 7(d).

Family Court summarily denied Wright's petition for expungement. This appeal followed.

(2) Title 10, section 1025(e) of the Delaware Code governs the Family Court's discretionary authority to expunge police and court records in an adult criminal case.² When considering a petition for expungement under section 1025(e), the Family Court is directed to grant relief only if it finds "that the continued existence and possible dissemination of information relating the arrest of the petitioner causes, *or may cause*, circumstances which constitute a manifest injustice to the petitioner."³ The burden is on the petitioner "to allege specific facts in support of . . . [the] allegation of manifest injustice."⁴

(3) Having carefully considered the parties' positions on appeal and the Family Court record, the Court concludes that the Family Court did not abuse its discretion when summarily denying Wright's petition for expungement. The record reflects that Wright's petition for expungement failed to specify *any* facts in support of her allegation of manifest injustice.⁵ Although Wright appears to allege facts in her opening brief on appeal, we

² Del. Code Ann. tit. 10, § 1205(e) (Supp. 2010).

³ See tit. 10, § 1205(e)(2) (emphasis added).

⁴ *Id.*

⁵ Wright's petition supported her claim of manifest injustice with the two-word conclusion "false allegations."

decline to consider on appellate review a claim that is based on facts that were not presented to the trial court in the first instance.⁶

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁶ Del. Supr. Ct. R. 8.